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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,210	02/14/2002	Raymond Ormachea	67,014-005	8588
26096	7590	07/08/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			OMGBA, ESSAMA	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,210

Applicant(s)

ORMACHEA ET AL. *On*

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US patent 5,199,144) in view of Katsuta et al. (US Patent 5,586,377).

With regards to claim 1, Abe et al. discloses a machine for assembling armrests for use in vehicles that have an armrest frame supporting a cushion **A** covered by a finish fabric **C**, the machine comprising an arm rest frame holder **U** having clamping members **U1** that secures the armrest frame in a chosen orientation, a mover **5** that selectively causes movement of the armrest frame holder, an alignment portion **D**, the alignment portion being movable independent of and relative to the armrest frame holder, and a biasing device **12** that biases the alignment portion toward the armrest frame holder, the bias of the biasing device being passively released and overcome by the force of the mover moving the seat frame holder such that the alignment portion selectively moves with the armrest frame holder, see column 2, lines 32-68 and column 4, lines 7-18.

Although Abe et al. does not disclose at least one alignment member that is adapted to protrude through an opening in the fabric and to be at least partially received within a receiver in the armrest frame, however it is known to provide machines for affixing

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covering members to cushion bodies with such alignment member as attested by Katsuta et al., see column 7, lines 21-29. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided Abe et al.'s apparatus with alignment members, in light of the teachings of Katsuta et al., in order to temporary secure the fabric to the cushion member. Applicant should note that the machine of Abe et al. is capable of assembling seats for use in a vehicle by covering a cushion with a finish fabric.

For claim 2, see column 7, lines 21-26 and figure 1 of Katsuta et al.

For claim 3, see column 7, lines 52-59 of Katsuta et al.

For claims 4-7, see column 4, lines 18-28 of Abe et al. Applicant should note that it is within the general knowledge of one of ordinary skill in the art to selectively adjust a position of the alignment portion relative to the armrest frame holder.

For claim 8, see base member 14 of Abe et al.

For claim 9, Applicant should note that the biasing device of Abe et al. is selectively controlled to remove any bias and the alignment portion of Abe et al. is selectively movable out of an operative position.

For claims 10 and 21, Abe et al. discloses a machine for assembling armrests for use in vehicles that have an armrest frame supporting a cushion **A** covered by a finish fabric **C**, the machine comprising a base **1** that remains a fixed distance from a floor surface, a plurality of fabric cover supports **21** arranged to at least temporarily support the fabric cover in a position to receive the seat frame, the supports each having an end that remains a fixed distance from the base, a armrest holder **U** having clamping members

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U1 that secure the armrest frame in a chosen orientation relative to the fabric cover supports, a mover **5** that selectively causes movement of the seat frame holder, and an alignment portion **D**, the alignment portion being movable independent of and relative to the armrest frame holder, and a biasing device **12** that biases the alignment portion toward the armrest frame holder, the bias of the biasing device being passively released and overcome by the force of the mover moving the seat frame holder such that the alignment portion selectively moves with the armrest frame holder, see column 2, lines 32-68 and column 4, lines 7-18 and figures 4-7. Although Abe et al. does not disclose at least one alignment member that is adapted to protrude through an opening in the fabric and to be at least partially received within a receiver in the armrest frame, however it is known to provide machines for affixing covering members to cushion bodies with such alignment member as attested by Katsuta et al., see column 7, lines 21-29. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided Abe et al.'s apparatus with alignment members, in light of the teachings of Katsuta et al., in order to temporarily secure the fabric to the cushion member. Applicant should note that the machine of Abe et al. is capable of assembling seats for use in a vehicle by covering a cushion with a finish fabric.

For claims 11-13, 15-17 and 22, see column 4, lines 7-48 of Abe et al.

For claim 14, see column 7, lines 52-59 of Katsuta et al.

For claim 18, see column 7, lines 21-26 and figure 1 of Katsuta et al.

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For claim 19, Applicant should note that the biasing device of Abe et al. is selectively controlled to remove any bias and the alignment portion of Abe et al. is selectively movable out of an operative position.

For claim 20, Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately energize the mover and the alignment portion.

Response to Arguments

3. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (703) 305-2915. The examiner can normally be reached on M-F (10-7:30) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (703) 308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

eo 
July 5, 2004

